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FULBRIGHT & JAWORSKI L.L.P.

A REGISTERED LIMITED LIABILITY PARTNERSHIP
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701-3271
WWW.FULBRIGHT.COM

92
GSHISHIMA@FULBRIGHT.COM
DIRECT DIAL: (512) 536-3081

TELEPHONE: (512) 474-5201
FACSIMILE: (512) 536-4598

February 9, 2004

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
February 9, 2004 Date	 Gina N. Shishima

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Re: SN 09/413,109 entitled "METHODS FOR THE ADMINISTRATION OF
ADENOVIRUS p53 (AS AMENDED)" by Zhang et al.
Our ref: INRP:087 Client ref: MDA90-002 DIV 5

Commissioner:

Please find enclosed the following for filing in the above-referenced patent application:

1. Communication to Examiner; and
2. A return postcard to acknowledge receipt of these materials.

Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, the Commissioner is authorized to deduct said fees from Fulbright & Jaworski L.L.P. Account No.: 50-1212/INRP:087US/GNS.

Very truly yours,

Gina N. Shishima
Reg. No. 45,104

GNS/lb
Enclosures

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February 9, 2004

Date

Gina N. Shishima

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
ZHANG *et al.*

Serial No.: 09/413,109

Filed: October 6, 1999

For: METHODS FOR THE
ADMINISTRATION OF ADENOVIRUS
P53 (AS AMENDED)

Group Art Unit: 1636

Examiner: Guzo, David

Atty. Dkt. No.: INRP:087

COMMUNICATION TO EXAMINER

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

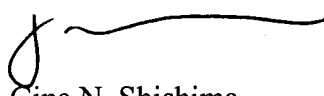
In the Office Action dated April 1, 2003, the Examiner rejected claims 22-31, 36-37, 39-48, 53-54, 56-68, 73-74, 76-86, 91-92, 94-97 based on an obviousness-type double patenting rejection over claims 9-13, 24-63, 65-66, 68-69, and 71-74 of co-pending Application No. 08/459,713 ("the '713 application").

On October 15, 2003, Applicants filed a Response to the Office Action ("Response"). A terminal disclaimer was not filed with respect to the '713 application. Claims 42, 59, and 79 were amended in that Response. Subsequently, the obviousness-type double patenting rejection

was withdrawn with respect to all claims and Applicants received a Notice of Allowance regarding the pending claims.

Should the Examiner deem a terminal disclaimer to be necessary for the patentability of the present case, Applicants' representative invites the Examiner to contact them regarding the issue; otherwise, this issue will be considered moot. Applicants note that they were willing to submit a terminal disclaimer in this case over the '713 application.

Respectfully submitted,



Gina N. Shishima
Reg. No. 45,104
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201
(512) 536-4598 (facsimile)

Date: February 9, 2004